

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 8886 of 2022

Bipin Sahu

....

Petitioner

Mr. B.K. Ragada, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P.K. Maharaj, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
23.12.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State
2. The petitioner is an accused in C.T. Case No.36 of 2022, pending in the Court of the learned ADJ-cum-Special Court (POCSO), Bargarh, arising out of Sohela P.S. Case No.118 of 2022, for commission of alleged offences under Sections 304/323/354-D of IPC read with Section 12 of the POCSO Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Special Court under POCSO Act, Bargarh by order dated 26.08.2022 in the aforementioned case, the present BLAPL has been filed.

4. It is submitted that the petitioner is in custody since 17.06.2022 and charge sheet has been filed on 12.08.2022 under Section 304/323/354-D of IPC read with Section 12 of the POCSO Act.

5. It is submitted that the admitted case of the prosecution that the petitioner was having a relationship with daughter of the deceased who was aged about 14 years. The same was objected to, by the deceased and on getting information that the petitioner has gone to the house where his daughter is staying, the deceased along with one Chandramani Sahoo (charge sheeted witness No.2) went to the said house and there was altercation during which the present petitioner is stated to have given a push to the deceased for which he fell down and ultimately succumbed to the injury, so stated.

6. It is submitted by the learned counsel for the petitioner that there is no premeditation in the offence committed and since charge sheet has already been filed, his further continuance in custody is not warranted.

7. Learned counsel for the State relies on the statement of the daughter of the deceased cited as charge sheeted witness No.21 and also submits that there is one case pending in connection with the relationship that the petitioner had with deceased's daughter. Hence he had motive in committing the offence and therefore, ought not to be released on bail..

8. Considering the manner and the background in which the offence was committed, this Court is persuaded to direct the release of the petitioner.

9. Hence, the petitioner is directed to be released on bail on such terms to be fixed by the learned Court in seisin.

10. The bail application accordingly stands disposed of.

11. Urgent certified copy of this order be granted as per the rules.

Santoshi

